

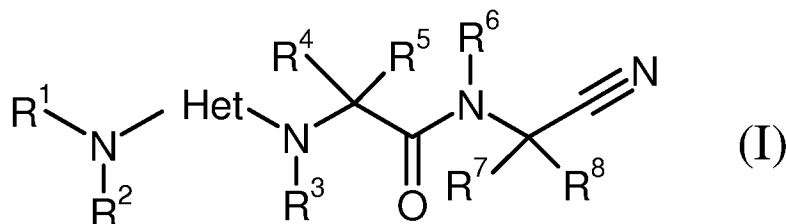
REMARKS

In response to the final office action dated October 27, 2008, Applicants have removed the limitation “R¹ and R² together with the nitrogen atom to which they are attached form a 4 to 7-membered saturated ring” from claim 1. This amendment necessitates cancellation of claim 3 and amendments to claims 1 and 7. Applicants have also amended claim 6, cancelled claims 11, 12, and 14-20, and added new claims 21-28. Support for the new claims can be found throughout the specification. For example, support for new claims 23 and 26 can be found at, e.g., page 4, line 3 and page 3, line 26 of the specification, respectively. Claims 8, 10, and 13 were cancelled in Applicants' response filed on July 11, 2008. Claims 1, 2, 4-7, 9, and 21-28 are presented for examination.

Initially, Applicants acknowledge with appreciation the Examiner's indication that the previous objection to claims 1, 3, 7-9, 10, 12, 13, and 18-20 as containing non-elected subject matter has been withdrawn and that the search and examination has been expanded to include the entire subject matter of the pending claims. In addition, Applicants acknowledge with appreciation the Examiner's indication that previously pending claims 2, 7, 12, 15-17 contain allowable subject matter.

Claims 1, 3-6, 9, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prasit et al., WO 02/069901 (“Prasit”).¹

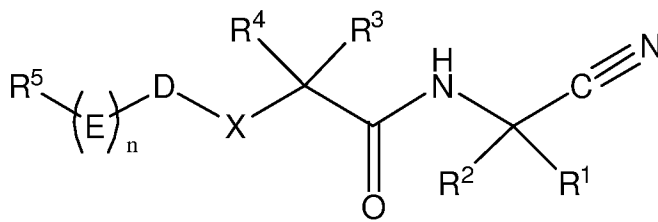
Independent claim 1 is discussed first. Claim 1, as amended, covers compounds of formula (I):



in which, among others, Het is a heteroaryl ring chosen from pyridine, pyrimidine, pyrazine, pyridazine or triazine; R¹ is independently hydrogen, C₁₋₆ alkyl or C₃₋₆ cycloalkyl; and R² is independently aryl, heteroaryl or a group C₁₋₆ alkylR⁹, CO(C₁₋₆ alkyl)R⁹ or SO₂(C₁₋₆alkyl)R⁹.

¹ Applicants have cancelled claims 3 and 18-20, so the rejection of these claims are now moot.

Prasit describes compounds of the following formula:



in which, among others, D is aryl, heteroaryl, C₃₋₈ cycloalkyl or heterocyclyl, E is aryl, heteroaryl, C₃₋₈ cycloalkyl or heterocyclyl, and n is 1 or 2. *See, e.g.*, page 4, line 12 to page 6, line 27. In other words, Prasit describes compounds containing at least two rings (i.e., D and E) directly connected to each other. By stark contrast, in the compounds of amended claim 1, the moiety corresponding to D-E in Prasit's compounds is Het-N(R¹R²), which contains only one ring. Thus, the compounds of amended claim 1 are significantly different and therefore not obvious from those described in Prasit.

For the reasons set forth above, claim 1 is not obvious over Prasit. As claims 4-6 and 9 depend from claim 1, they also are not obvious over Prasit. Accordingly, Applicants request reconsideration and withdrawal of this rejection.

Applicants submit that the pending claims are now in condition for allowance, an action of which is respectfully requested.

The fee in the amount of \$1,110 for the Petition for Three-Month Extension of Time is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges to deposit account 06-1050, referencing Attorney's Docket No. 06275-0455US1.

Respectfully submitted,

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